

OGC HAS REVIEWED.

~~SECRET~~
Security Information

Chief of Administration, DD/P

5 November 1953

Office of General Counsel

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Shipment of Personal Car to the

1. This will acknowledge receipt of your memorandum of 28 October 1953 enclosing the background papers pertaining to this case.

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2. It appears that [] was transferred PCS to the [] by travel order dated 12 June 1952 in which shipment of his personal car at U. S. Government expense was authorized. Shortly before the date of his departure he was notified that shipment of a personal car to the [] at Government expense was not legally possible and his travel order was amended to preclude such shipment, although the order was not signed until after he had completed his travel. Although the Chief of the Payroll and Travel Section of the Finance Division states that he verbally informed [] that reimbursement could not be allowed, Mr. [] shipped his car and the cost of this shipment was paid by the foreign station. This payment was disallowed by the Finance Division and has been charged to [] advance account. You specifically request an opinion whether the payment by the foreign station may stand or whether a collection is in order.

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3. On 27 June 1951, this office gave its opinion that there is no legal objection to transportation of privately-owned vehicles at Government expense if these automobiles are deemed necessary for the operational use of employees engaged in clandestine activities who are transferred PCS to the []. Under ordinary circumstances it would be the opinion of this office that shipment at Government expense would be possible in cases where the Division Chief is willing to sign a statement certifying to the operational necessity.

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4. By memorandum to the Finance Division dated 4 August 1953, the Chief of the WH Division certified retroactively to the operational necessity of the transportation. The Travel Orders in effect at the time of [] travel contained legal authorization for shipment of the automobile at Agency expense.

5. The reason given in the file for the amended travel order which refused authorization for shipment of the automobile was the erroneous opinion that shipment at Government expense was not legally possible despite the operational necessity for the car. On the basis of these facts, this office is of the opinion that the payment of the transportation costs by the foreign station may stand. We make no comment, however, upon the administrative practice of submitting the shipping bill to the field station for payment after having been advised by Finance Division that payment would not be allowed.

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Attachments

OGC/TMF:imm

Distribution -

Orig - Addressee
cc - Chrono
cc - Legal
cc - Subject ✓
cc - Vital
cc - Signer

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